

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21899 of 2007(F)

PETITIONERS:

1. P.N.SREENIVASAN, PUTHUPARAMBIL,
VANDAMPATHAL, EDAKUNNAM, ERUMELI.
2. C.K.KUNJU BAVA, CHALLIYIL,
THENMENY, EDAKUNNAM, MUNDAKKAYAM.
3. T.THANKASWAMY NADAR,
VARATHATTUVILA, KANJIRAKODE, THATTALAM,
VILAVAMKODE.
4. T.THANKAMONY NADAR, -DO- -DO-
5. ALEX K.THOMAS, KOLLAMPARAMBIL,
MUNDAKKAYAM, KANJIRAPPALLY.

BY ADV. SRI.RAJEEV V.KURUP
SRI.AJITH KATHIRANTHARA

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR, KOTTAYAM.
2. TAHSILDAR, KANJIRAPPALLY, KOTTAYAM.
3. THE ASST. EXECUTIVE ENGINEER,
NATIONAL HIGH WAY AUTHORITY(NH 220), KANJIRAPPALLY
4. TALUK SURVEYOR, KANJIRAPPALLY TALUK,
KANJIRAPPALLY.
5. VILLAGE OFFICER, MUNDAKKAYAM VILLAGE,
MUNDAKKAYAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 21899 OF 2007 - F

Dated this the 17th day of July, 2007

J U D G M E N T

The petitioners apprehend eviction from their properties covered by Exts.P1 to P11. The petitioners' apprehension is based on the fact that the respondents have measured the properties and marked certain portions of the properties for eviction. However, no notice has been issued to the petitioners yet in this regard. Eviction and demolition under the Kerala Land Conservancy Act can only be after complying with the procedure prescribed under the Act which requires a show cause notice, a hearing which shall include opportunity to adduce evidence also and a speaking order dealing with the contentions of the petitioners based on the evidence. Therefore, I dispose of this writ petition with the observation that without complying with the said procedure, the petitioners shall not be evicted from the properties in question.

**S. SIRI JAGAN,
Judge**

Mbs/

WP(C) NO.

: -2- :

S.SIRI JAGAN, J

WP(C) NO.

:3:

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007

WP(C) NO.

:-4:-